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OFFICE OF PETITIONS

In re Application of
Christopher Weaver
Application No. 09/819,092
Filed: 6 April, 2000
Attorney Docket No. 13763

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: DECISION GRANTING
: PETITION
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This is a decision on the renewed petition filed on 17 September, 2001, requesting that the Continued Prosecution Application (CPA) filed on 6 April, 2000, and based on prior application No. 09/150,632 (issued as U.S. Patent No. 6,062,092 on 16 May, 2000) be treated as a continuation application under 37 CFR 1.53(b), rather than 37 CFR 1.53(d), and be accorded a filing date of 6 April, 2000.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioner.

The petition is **GRANTED**.

A review of the file of prior application No. 09/150,632 reveals that a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) based on prior application No. 09/150,632 was filed in the above-identified patent application on 6 April, 2000. The prior application, however, issued as U.S. Patent No. 6,062,092 on 16 May, 2000, as a result of applicant's payment of the issue fee on 10 April, 2000. Since the prior application has issued as a patent, the original application papers present in the file of Application No. 09/150,632 are no longer available for processing under 37 CFR 1.53(d). In view of the decision and improper CPA request, the CPA request and other papers filed on 6 April, 2000, have been removed from the file of application No. 09/150,632 and have been assigned application No. 09/819,092 for identification purposes. The petition filed on 27 June, 2001, was dismissed on 21 August, 2001, however, because petitioner had not provided a copy of the complete prior application as originally filed.

As petitioner has filed, with the present renewed petition, a complete copy of the prior application as filed, the petition is granted.

The application is being forwarded to the Office of Initial Patent Examination for further processing as a continuation application filed under 37 CFR 1.53(b), with a filing date of 6 April, 2000, using the specification, drawings, and the declaration supplied on 17 September, 2001.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (703)308-6918.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan", followed by a horizontal line.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy